



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

OCT 24 2016

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Article Number: 7015 3010 0000 7504 0757

Weldin Ortíz Franco, Chairman
Puerto Rico Environmental Quality Board
P. O. Box 11488
San Juan, Puerto Rico 00910

Re: Puma Energy Caribe
Notice of Violation and Authority to Issue Administrative Order or Commence Civil
Action under Section 1423 (a) (1) of the Safe Drinking Water Act

Dear Mr. Ortíz Franco:

The U.S. Environmental Protection Agency (EPA) finds that Puma Energy Caribe, LLC (Puma) is in violation of the Safe Drinking Water Act (SDWA), 42 U.S.C. §300f et seq., and the Underground Injection Control (UIC) regulations promulgated thereunder.

Enclosed please find a copy of the Notice of Violation (NOV) being issued to Puma. The NOV specifies the violations of Puerto Rico's UIC regulations, as incorporated by reference into 40 Code of Federal Regulations Part 147, and indicates the locations of the facilities that we find to be in violation.

Such violations are subject to enforcement action under the Puerto Rico UIC regulations. The Puerto Rico Environmental Quality Board needs to commence appropriate enforcement action within thirty (30) days after the day of notification. At the end of the thirty days, EPA is authorized to either issue to Puma Caribe an administrative order under §1423(c), 42 U.S.C. §300h-2(c), or initiate a civil action under §1423(b), 42 U.S.C. §300h-2(b).

If you have any questions relating to this matter, please contact Nicole Foley Kraft, Chief, Groundwater Compliance Section, at (212) 637-3093. Please inform this Agency of all action taken on this matter.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "Dore", is written over the "Sincerely yours," text.

Dore LaPosta, Director
Division of Enforcement and Compliance Assistance

Enclosure

cc: Wanda García Hernández, Director, Water Quality Area, EQB (w/encl.)
Héctor Arroyo Rivera, Chief, UIC Program, EQB (w/encl.)



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CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Article Number: 7016 0910 0000 4441 2256

Mr. Rafael Romero
General Manager
Puma Energy Caribe, L.L.C.
P O Box 11961
San Juan, Puerto Rico 00922

Re: Notice of Violation and Authority to Issue Administrative Order or Commence Civil Action,
Safe Drinking Water Act, Section 1423(a)(1)

Dear Mr. Romero:

The U.S. Environmental Protection Agency (EPA) finds that Puma Energy Caribe, L. L. C. (Puma), a subsidiary of Puma Energy International is in violation of the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300f et seq., and the Underground Injection Control (UIC) regulations promulgated under §1421 and §1422 of the SDWA. Furthermore, Puma is in violation of Law # 416 of September 22, 2004, Puerto Rico Environmental Public Policy Act (Ley Núm. 416 del 22 de septiembre de 2004, Ley sobre Política Pública Ambiental), and of the Underground Injection Control Program Regulations (UICPR) of the Puerto Rico Environmental Quality Board (PREQB) (Junta de Calidad Ambiental de Puerto Rico) promulgated thereunder, Sections 201, 202, 301, 302 and 303.

Specifically:

1. On April 10, 2015, EPA issued an Information Request Letter (IRL) to Puma to determine whether any facility in Puerto Rico owned and/or operated by Puma was operating a motor vehicle waste disposal well. When automotive waste is discharged into a septic tank, cesspool, leachfield or drywell, the injection well is classified as a Class IV or V well as defined by Sections 201, 202, 301, 302 and 303 of the UICPR and defined as a Class V well by 40 C.F.R. §144.3, 144.6 (e), 146.3 and 146.5(e).
2. On August 12, 2015, Puma submitted the requested information to EPA.
3. Puma, a subsidiary of Puma Energy International, is a corporation organized under the laws of Puerto Rico and is authorized to do business in the Commonwealth of Puerto Rico, and as such is a "person" within the meaning of Law # 416 of September 22, 2004, Puerto Rico Environmental Public Policy Act and of the UICPR of the PREQB (Junta de Calidad Ambiental de Puerto Rico).

4. Puma owns, operates, or otherwise controls facilities in the Commonwealth of Puerto Rico that have motor vehicle waste disposal wells. These facilities include automotive service stations including car washing and vehicular repair work.
5. Puma, as the owner or operator of Class V injection wells is subject to the requirements of Law # 416 of September 22, 2004, known as the Puerto Rico Environmental Public Policy Act and implementing regulations at sections 201, 202, 301, 302 and 303 of the UICPR.
6. Pursuant to sections 201, 202, 301, 302 and 303 of the UICPR of the EQB, no owner or operator shall conduct injection activity in a manner that allows the movement of fluid containing any contaminant into underground sources of drinking water, if the presence of that contaminant may cause a violation of any primary drinking water regulation under 40 C.F.R. Part 142 and the Water Quality Standards Regulations of Puerto Rico or may otherwise adversely affect the health of persons. Automotive service station wastewater typically has constituents, such as heavy metals and volatile organic compounds, which pose risks to human health. The presence of these contaminants may cause a violation of primary drinking water regulations under 40 C.F.R. Part 142 and may otherwise adversely affect the health of persons, in violation of sections 302 and 303 of the UICPR of the PREQB.
7. The enclosed list of ten (10) facilities are subject to the requirements of the Underground Injection Control (UIC) program. EPA records indicate that Puma has not complied with the EQB's UICPR as described under § 301, 302 and 201. You are therefore, in violation of these sections and prohibited from discharging into your injection wells.
8. Such violations are subject to enforcement action under Law # 416 of September 22, 2004, the Puerto Rico Environmental Public Policy Act and sections 201, 202, 301, 302 and 303 of the UICPR of the EQB. These sections provide for the initiation of civil and/or criminal actions in court or the issuance of administrative orders requiring compliance with all provisions of the SDWA and regulations promulgated thereunder and assessing penalties for violations.

EPA has sent copy of this notice of violation to the Commonwealth of Puerto Rico. Pursuant to §1423(a)(1), 42 U.S.C. §300h-2(a)(1), if the Commonwealth of Puerto Rico fails to commence appropriate enforcement action 30 days after the date of notification, EPA is authorized to either issue an administrative order under §1423(c), 42 U.S.C. §300h-2(c), or initiate a civil action under §1423(b), 42 U.S.C. §300h-2(b).

If you have any questions relating to this matter, please contact Nicole Foley Kraft, Chief, Groundwater Compliance Section, at (212) 637-3093.

We urge your prompt attention to this matter.

Sincerely yours,



Dore LaPosta, Director
Division of Enforcement and Compliance Assistance

Enclosure

cc: Weldin Ortíz Franco, Chairman, EQB
Wanda García Hernández, Director, Water Quality Area, EQB (w/encl.)
Héctor Arroyo Rivera, Chief, UIC Program, EQB (w/encl.)

Enclosure

PUMA ENERGY CARIBE, L.L.C.

The following facilities are all in Puerto Rico. They are all Company Owned/Dealer Operated (CODO) with an existing motor vehicle waste disposal well:

Carr. 1 Km. 35
Caguas

65 de Infantería S/S
Carr. #3, Km. 7.5
Bo. San Antón
Ponce

Carr. 165 Km. 1.8
Toa Alta

Edwin G. Galarza S/S
Carr. #130, Km. 7.8
Hatillo

Carr. 699 & 854
Dorado

Guayama S/S
Car. #3
Guayama

Carr. 144, Km. 16.8
Bo. Collores
Jayuya

Patillas S/S
Carr. #3 Km 125.1 Int. Car# 184
Patillas

Calle Palmer Final
Cánovanas

Carr. PR-132, Km.23. 3
Bo. Cañas
Ponce

